

**EAST BELLEVUE COMMUNITY COUNCIL**  
Summary Minutes

September 2, 2003  
6:30 PM

Lake Hills Community Clubhouse  
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Halgren, Keeffe, Seal and Wiechmann<sup>1</sup>

STAFF: Kate Berens, Legal Planner

1. Call to Order

The meeting of the East Bellevue Community Council was called to order at 6:30 pm, with Chair Bell presiding.

2. Roll Call, Flag Salute

Roll was called by the Deputy City Clerk. All Councilmembers were present. Chair Bell led the flag salute.

3. Communications: Written and Oral

James Eder, 15422 SE 7<sup>th</sup> Place, said as a City Council candidate, he submitted to the Seattle Times a statement regarding his top three priorities: economic development, personal safety, and the long-term water supply. He is meeting with the Fire Chief soon to discuss safety training for citizens. He recently obtained a copy of the City's handbook on emergency and earthquake preparedness.

Mr. Keeffe asked staff to provide copies of the emergency preparedness booklet to all Community Council members.

4. Approval of Agenda

Mr. Halgren moved approval of the September 2, 2003 Community Council agenda. Mr. Keeffe seconded the motion.

Mr. Halgren requested the addition of agenda items 10(a) Robinswood Master Plan and 10(b) Robinswood Pond.

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<sup>1</sup> Ms. Wiechmann arrived at 7:00 p.m.

Mr. Seal requested the addition of agenda item 10(c), definition of parking for a recreation vehicle.

The motion to approve the September 2, 2003 East Bellevue Community Council agenda, as amended, carried unanimously.

5. Public Hearings

- (a) City Council Ordinance No. 5457 amending the Bellevue Land Use Code to include regulations for essential public facilities, including solid waste handling facilities; repealing Ordinance No. 5453; amending Sections 20.10.440, 20.20.520.F.2.b, 20.25H.080.B, 20.25L.020, and 20.50.018 of the Bellevue Land Use Code; creating new Sections 20.20.350 and 20.20.820 in the Bellevue Land Use Code; and establishing an effective date.

Kate Berens, Legal Planner (Planning and Community Development), explained that City Council Ordinance No. 5457 implements a Comprehensive Plan amendment adopted by the City Council and approved by the Community Council last year. The amendment complies with the state Growth Management Act requirement that every jurisdiction establish policies and regulations regarding essential public facilities. Examples of essential public facilities are listed in the GMA and include utilities and wastewater facilities. Related Comprehensive Plan policies were adopted last year, and this ordinance implements those policies into the City's Land Use Code.

Ms. Berens said the City already regulated most uses identified as essential public facilities except solid waste handling facilities. The ordinance adopts a provision in the Land Use Code to designate solid waste handling facilities as a conditional use in light industrial districts. The ordinance adds a section to the Land Use Code with specific development regulations applicable to the siting of a new solid waste facility or modification of an existing facility. Essential public facilities have been designated as a conditional use in all land use districts subject to certain design criteria specified in the new section 20.20.350.

Ms. Berens responded to brief questions of clarification from the Council. Responding to Mr. Bell, Ms. Berens said the City retains authority to regulate certain aspects of community college facilities including building permits and safety issues.

Chair Bell opened the public hearing. No one came forward to testify.

Mr. Keeffe moved to close the public hearing, and Mr. Halgren seconded the motion. The motion carried by a vote of 4-0, with Ms. Wiechmann absent.

Responding to Mr. Bell, Ms. Berens said halfway houses for sex offenders are considered essential public facilities. The City's adopted ordinance regarding this use designates them as

conditional uses in the LI (light industrial) and GC (general commercial) districts.

- (b) City Council Ordinance No. 5459 amending Comprehensive Plan policies related to wireless communications facilities to modify existing land use district and design hierarchies; encourage the use of existing facilities, including substations and other utility facilities; and strengthen consideration of the impacts of wireless facilities in the permitting process.

Ms. Berens recalled her presentation to the Community Council in January regarding Comprehensive Plan and Land Use Code amendments governing wireless communications facilities. She described the Planning Commission's review of wireless communications facilities and the effort to balance the demand for wireless services with neighborhood impacts. Wireless facilities include antennas above the tree line and equipment cabinets. Residents have expressed concern about the visual impacts of this equipment.

Ms. Berens said the proposed regulations encourage wireless providers to continue to locate in commercial areas by streamlining the permit process for commercial sitings. To protect neighborhoods, the proposed regulations include a requirement that facilities cannot be closer than 520 feet to each other.

Ms. Berens explained that the current regulations for wireless facilities are based on a land use district hierarchy, which designates residential areas as least preferred sites, and a design hierarchy, which identifies freestanding monopoles as the least preferred design. Proposals for a new monopole in a residential or transition area require a conditional use permit.

Chair Bell opened the public hearing.

James Eder expressed concern that wireless facilities could be placed along Bellevue's borders in neighboring cities and unincorporated King County. Ms. Berens confirmed that King County and other jurisdictions have widely different rules for wireless facilities. In further response to Mr. Eder, Ms. Berens said all wireless providers were notified about Bellevue's review of its policies and invited to provide input. T-Mobile, Cingular, and AT&T are the only three that chose to become involved in the process. Mr. Eder expressed concern about emissions from wireless facilities. Ms. Berens said this issue was discussed throughout the Planning Commission's review. The City is precluded from regulating based on emissions, which falls under the authority of the FCC. Other jurisdictions that have monitored emissions found that emission levels were far below the FCC's threshold, even in cases of multiple antennas at one location.

Responding to Mr. Keeffe, Ms. Berens said the City receives notice about the installation of wireless facilities in adjacent jurisdictions. Sometimes the City issues comment letters on the proposals to encourage consistency with Bellevue's regulations. However, King County generally does not follow the City's suggestions.

Mr. Keeffe moved to close the public hearing, and Mr. Seal seconded the motion. The motion carried by a vote of 5-0.

Chair Bell expressed concern about the proposed replacement of an existing 39-foot pole with a 60-foot pole in the right-of-way of 156<sup>th</sup> Avenue near Lake Hills Shopping Center. Associated ground equipment is to be placed in the basement of a nearby apartment building. Responding to Mr. Bell, Ms. Berens said it is likely the concomitant agreement regulating height for the shopping center does not apply to the right-of-way.

Responding to Mr. Bell, Ms. Berens explained the Planning Commission's objective to encourage wireless providers to develop new technology that will be easier to locate without negative visual/size impacts.

In further response to Mr. Bell, Ms. Berens said the full conditional use permit process is no longer required for the placement of a new monopole in transition areas. This is based on the Planning Commission's intent to encourage the placement of monopoles in transition areas rather than residential neighborhoods.

Ms. Berens explained that an underlying goal of the policy changes is to streamline the permit process for installations in commercial areas.

- (c) City Council Ordinance No. 5460 amending City of Bellevue Land Use Code regulations relating to wireless communications facilities; amending Sections 20.10.440, 20.20.195, 20.20.525, 20.25B.020.B, 20.25B.040.A.1, 20.25B.040.E, 20.25L.020, 20.50.014, and 20.50.054; and establishing an effective date.

Chair Bell opened the public hearing. No one came forward to comment on the ordinance.

Mr. Keeffe moved to close the public hearing, and Mr. Halgren seconded the motion. The motion carried by a vote of 5-0.

- (d) Courtesy Hearing – Amend the Land Use Code to adopt certain regulations previously rejected by the East Bellevue Community Council including regulations related to: multifamily development in the Crossroads subarea, limiting the size of certain retail uses in the CB (Community Business) district within the EBCC area, parks, heliports, large vehicles, and creating a definition of a community facility.

Ms. Berens referred to page 147 of the Council packet and reviewed the proposed amendments to the Land Use Code. The amendments and related ordinances were identified by City staff and the East Bellevue Community Council as candidates for reconsideration due to changed circumstances since their original adoption. She noted the EBCC's extensive discussion of the proposed amendments at the August meeting.

Ms. Berens noted that Ordinance No. 5234 has been revised in accordance with the Council's direction to reinstate footnote 6. Footnote 7 remains unmodified.

Chair Bell opened the courtesy hearing for Ordinance No. 5234. No one came forward to comment. Mr. Keeffe moved to close the courtesy hearing, and Mr. Seal seconded the motion. The motion carried by a vote of 5-0. Following brief discussion, Chair Bell indicated consensus to proceed with Ordinance No. 5234.

Moving on to Ordinance No. 4646, Ms. Berens noted the maximum size of 100,000 square feet for community business (CB) uses established by the Planning Commission for certain subareas within the city. She noted the Council's interest in how this would affect the future redevelopment of Kelsey Creek Shopping Center and clarified that the 100,000 square foot maximum would apply to any one use/business.

Chair Bell indicated that the now-closed K-Mart was larger than 100,000 square feet. He is concerned the limit would preclude businesses from wanting to locate in the center.

Responding to Mr. Keeffe, Ms. Berens said the Planning Commission chose to impose the limitation in order to make a distinction between regional retail uses and community business uses.

Mr. Halgren and Mr. Keeffe expressed support for limiting CB uses in the specified subareas to a maximum of 100,000 square feet.

Responding to Mr. Halgren, Ms. Berens said the concomitant agreement for Kelsey Creek Shopping Center would allow a business to rebuild within the K-Mart building footprint, as long as the redevelopment complies with environmental and other applicable requirements.

Chair Bell opened the courtesy hearing for Ordinance No. 4646. No one came forward to comment. Mr. Halgren moved to close the courtesy hearing, and Mr. Keeffe seconded the motion. The motion carried by a vote of 5-0.

Chair Bell, Mr. Seal, and Ms. Wiechmann were not in favor of the proposed change. Council declined reconsideration of Ordinance No. 4646

Ms. Berens noted that Ordinance No. 4029 addresses definitions and design standards related to heliports.

Chair Bell opened the courtesy hearing for Ordinance No. 4029. No one came forward to comment. Mr. Halgren moved to close the courtesy hearing, and Mr. Keeffe seconded the motion. The motion carried by a vote of 5-0. Chair Bell indicated consensus to proceed with Ordinance No. 4029.

Ms. Berens recalled the Council's extensive previous discussion on Ordinance No. 3985 relating

to large vehicle storage on residential sites. She noted an additional provision pertaining to manufactured homes (Page 177 of the packet).

Chair Bell opened the courtesy hearing for Ordinance No. 3985. No one came forward to comment. Mr. Keffe moved to close the courtesy hearing, and Mr. Halgren seconded the motion. The motion carried by a vote of 5-0. Chair Bell indicated consensus to proceed with Ordinance No. 3985.

Ms. Berens recalled that Ordinance No. 3095 relates to the City's regulation of child care facilities.

Chair Bell opened the courtesy hearing for Ordinance No. 3095. No one came forward to comment. Mr. Keffe moved to close the courtesy hearing, and Mr. Halgren seconded the motion. The motion carried by a vote of 5-0.

Responding to Mr. Seal, Ms. Berens explained that the ordinance provides a definition of "community facility," which are allowed to have child care facilities.

Mr. Halgren requested information regarding a church on SE 22<sup>nd</sup> that has added several portable buildings over time. Ms. Berens said she will research the permit history of the site.

Chair Bell indicated consensus to move forward with Ordinance No. 3095.

Ms. Berens recalled previous discussion about Ordinance No. 4511 addressing regulations and definitions for private, public, and city parks. She noted the complexity of issues identified during Council's August discussion and suggested postponing reconsideration of this ordinance. The Council concurred.

Mr. Halgren thanked Ms. Berens for her work and presentation.

## 6. Resolutions

### (a) Resolution 458 – Approving/Disapproving City Council Ordinance 5457

Mr. Keffe moved to approve Resolution No. 458, adopting City Council Ordinance No. 5457. Mr. Seal seconded the motion, which carried by a vote of 5-0.

### (b) Resolution 459 – Approving/Disapproving City Council Ordinance 5459

Mr. Seal moved to approve Resolution No. 459, adopting City Council Ordinance No. 5459. Mr. Halgren seconded the motion, which carried by a vote of 5-0.

(c) Resolution 460 – Approving/Disapproving City Council Ordinance 5460

Mr. Halgren moved to approve Resolution No. 460, adopting City Council Ordinance No. 5460. Mr. Seal seconded the motion, which carried by a vote of 5-0.

7. Reports of City Council, Boards and Commissions
8. Department Reports
9. Committee Reports
10. Unfinished Business

(a) Robinswood Master Plan

Mr. Halgren recalled the letter sent to staff requesting information on the Robinswood Master Plan. He asked the Deputy City Clerk to follow up on this request.

(b) Robinswood Pond

Mr. Halgren asked the Deputy City Clerk to follow up on this information request as well.

(c) Definition of parking for recreation vehicle (RV)

Mr. Seal reminded the Council and Clerk about making a request to staff for a definition of parking for recreation vehicles (RVs).

11. New Business

Mr. Halgren requested a copy of the litigation settlement with Bellevue Community College.

12. Continued Communications

Mr. Halgren presented a letter of resignation effective September 3, 2003.

Mr. Seal moved to declare East Bellevue Community Council Position No. 1 vacant as of September 3, 2003. Mr. Keefe seconded the motion, which carried by a vote of 5-0.

Mr. Keefe moved to direct the Deputy City Clerk to publish a notice regarding the vacancy of Position No. 1 on the East Bellevue Community Council. Mr. Seal seconded the motion, which carried by a vote of 5-0.

13. Executive Session

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Summary Minutes September 2, 2003**

14. Approval of Summary Minutes

(a) August 5, 2003 East Bellevue Community Council Summary Minutes

Mr. Keeffe moved to approve the August 5, 2003 East Bellevue Community Council Summary Minutes, amended to delete Patrice Cole listed as staff present at that meeting. Mr. Seal seconded the motion, and the minutes were approved as amended by a vote of 5-0.

15. Adjournment

Mr. Seal moved to adjourn the meeting, and Ms. Wiechmann seconded the motion. The East Bellevue Community Council September 2, 2003 meeting adjourned at 9:15 pm.

Submitted By:

Michelle Murphy, CMC  
Deputy City Clerk